

Planning Proposal – 189 Macquarie Street Parramatta

Independent pre-Gateway Assessment of Planning Proposal to Amend Parramatta LEP 2011

Client:
Parramatta City Council

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Contact:

Jeff Horn
jeff@elton.com.au
9387 2600

**Sydney
02 9387 2600**

Level 6
332 – 342 Oxford Street
Bondi Junction NSW 2022

www.elton.com.au
consulting@elton.com.au
Sydney | Canberra | Darwin
ABN 56 003 853 101

Prepared by	Valerie Conway
Reviewed by	Jeff Horn
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Executive Summary

This report provides an independent assessment of a planning proposal prepared by LJB Urban Planning Pty Ltd dated 8 September 2015, amended on 27 January 2016 and subsequently amended by correspondence on 5 July 2016. The planning proposal, prepared on behalf of Toplace Pty Ltd, seeks to amend Parramatta Local Environmental Plan (PLEP) 2011 with regard to the planning controls relating to 189 Macquarie Street, Parramatta.

The planning proposal seeks to amend the Parramatta LEP 2011 by:

- » Increasing the maximum building height permitted on the site;
- » Increasing the maximum Gross Floor Area (GFA) permitted on the site.

As Parramatta City Council is the owner of the site, an independent pre-Gateway assessment of the planning proposal is required.

This report has been prepared having regard to Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a *Guide to Preparing Planning Proposals* (Department of Planning and Infrastructure, 2012), and *A Guide to Preparing Local Environmental Plans* (Department of Planning and Infrastructure, 2013) and is an assessment of the planning proposal and associated documentation to determine their adequacy and the merit of the planning proposal to proceed to Gateway.

In addition to the planning assessment, an independent review of the urban design and heritage studies lodged as supporting material for the planning proposal has also been completed to inform this report. The urban design report has been reviewed by Antoniades Architects, and Perumal Murphy Alessi has completed a review of the heritage report.

In general terms, the review has identified that the planning proposal is generally consistent with the strategic planning framework for the Parramatta City Centre area and that the proposed amendments would assist in defining the eastern gateway to the Parramatta City Centre.

However, the assessment has identified that clarification in relation to a number of issues needs to be provided by the proponent prior to the planning proposal being sent to the Gateway.

It is recommended that the planning proposal report address the following matters:

- » While the intent of the planning proposal is generally clear, there are concerns related to how this intent will be translated into an amended clause 7.9. It is unclear whether any additions to the height of the existing approved development would be captured by the operation of the clause as the clause applies to 'a new building' or an 'external alteration to an existing building'. It is recommended that Council obtain legal advice in relation to the construction and operation of the clause to ensure 'adding' height to an approved but yet to be completed development would be classified as an 'external alteration' to ensure that the clause operates properly and does not create any unintended consequences. This is not required prior to the planning proposal being sent to the Gateway, but it is recommended that Council seek this legal advice as part of the drafting process.
- » It is recommended that the justification for the planning proposal be strengthened. This can be done by providing a more detailed assessment against the relevant principles of the Parramatta CBD Planning Strategy and the CBD Planning Proposal. The Planning Strategy should also be included in the material to be publicly exhibited to provide further context for the proposal.
- » Further justification in relation to the planning proposal's compliance with Section 117 Directions on flooding should be provided.

- » The planning proposal should provide a more detailed assessment of the potential social and economic impacts of the proposed amendments. There should be reference in the planning proposal report to the potential effects on items or places of European or Aboriginal cultural heritage as identified in the Heritage Assessment Report. There should also be reference to the potential impact that an increase in density on the site would have on existing social infrastructure – schools, services, etc. While it is acknowledged that these matters may have been addressed in information lodged with development applications relating to the site, the matters are not addressed adequately in the planning proposal report. The planning proposal report should therefore be amended and updated to demonstrate consideration of these impacts.
- » While deemed acceptable having regard to the CBD location of the site, the potential for increasing the overshadowing of Rowland Hassall School for a limited period in summer should be acknowledged in the planning proposal report.
- » With regard to the Heritage Assessment Report provided with the planning proposal, it is recommended that the quality of figures reproduced in the report be reviewed to ensure they are clear and able to be interpreted by the community during public exhibition.
- » With regard to the Urban Design Report supporting the planning proposal, it is recommended that the report be reviewed to ensure that all figures referred to in the text of the report are provided (eg Figures 39 and 40 referred to on page 40) and that the arborist referred to on page 30 of the report be identified.

Subject to the planning proposal documentation being amended to reflect the recommendations in this report, it is considered that the planning proposal has merit on the following grounds:

- » The planning proposal is a site specific response to the City Centre Strategy
- » The proposed amendment will enable the delivery of a development that meets the potential for the site
- » The planning proposal will facilitate the development of the eastern gateway to the CBD
- » With appropriate distribution of the additional height and gross floor area across the site, the resultant built form will have an acceptable impact on the identified heritage significance of nearby heritage items.

It is recommended that Council support the planning proposal proceeding to Gateway for its consideration to progress to the public exhibition stage of the process.

1 Introduction

1.1 General

This report presents the outcomes of an independent assessment of a planning proposal prepared by LJB Urban Planning Pty Ltd dated 8 September 2015 and amended on 27 January 2016. The planning proposal, prepared on behalf of Toplace Pty Ltd, seeks to amend Parramatta Local Environmental Plan (LEP) 2011 with regard to the planning controls relating to a site located at 189 Macquarie Street, Parramatta.

The planning proposal seeks to amend the Parramatta LEP 2011 by:

- » Increasing the maximum building height permitted on the site;
- Increasing the maximum Gross Floor Area (GFA) permitted on the site.

As Parramatta City Council is the owner of the site, an independent pre-Gateway assessment of the Planning Proposal is required.

The report has been prepared in accordance with:

- » Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)
- » *A Guide to Preparing Planning Proposals* (Department of Planning and Infrastructure, 2012); and
- » *A Guide to Preparing Local Environmental Plans* (Department of Planning and Infrastructure, 2013).

This report represents part of that first step of the plan making process, whereby the planning proposal and associated documentation is assessed in terms of its adequacy and whether it is appropriate for Council to support the planning proposal and progress it to Gateway.

If approved to proceed at Gateway, the Gateway determination notice will:

- » identify if there is sufficient justification for the planning proposal to proceed
- » confirm the technical investigations and consultation required
- » establish the process and timeframe for continuing the assessment of the proposal.

The planning proposal and associated documentation is likely to evolve throughout the process as relevant sections are updated and amended in response to the outcomes of any further technical investigations and as a result of issues raised during exhibition.

1.2 Purpose

The purpose of this report is to assess the planning proposal and associated documentation to determine whether there is sufficient information and justification provided to allow Council to consider the planning proposal and, if supported, progress it to the Gateway. The report considers whether the information contained within the planning proposal is sufficient for exhibition purposes so that the public can make submissions on the proposal based on an informed understanding of the proposal and its outcomes.

This report assesses the planning proposal in terms of its adequacy in:

- » detailing the proposed provisions of the LEP amendment;
- » justifying the proposed LEP amendment against all relevant statutory and strategic planning matters; and
- » addressing the requirements for the preparation and lodgement of a planning proposal in accordance with the EP&A Act and associated guides.

Section 55 of the EP&A Act establishes the following:

55 Relevant planning authority to prepare explanation of and justification for proposed instrument—the planning proposal

- (1) Before an environmental planning instrument is made under this Division, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the **planning proposal**).*
- (2) The planning proposal is to include the following:*
 - (a) a statement of the objectives or intended outcomes of the proposed instrument,*
 - (b) an explanation of the provisions that are to be included in the proposed instrument,*
 - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117),*
 - (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
 - (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*

Source: Environmental Planning and Assessment Act 1979 No 203

The report also considers whether there is merit to the intended outcomes of the planning proposal and whether Council should support it proceeding to Gateway.

1.3 Structure

This report is set out as follows:

Section 2: Background to the planning proposal including an outline of the existing development standards, the proposed amendments and supporting documentation

Section 3: An assessment of the planning proposal against Section 55(2) of the EP&A Act and *A Guide to Preparing Planning Proposals*.

Section 4: Conclusion and recommendations

1.4 Supporting technical studies

The planning proposal is supported by a number of supporting studies. The following table identifies the studies and the reviewer for each report/study.

Study	Original Author/Date	Reviewed By
Urban Design Report	GMU Urban Design and Architecture Pty Ltd / September 2015	Antoniades Architects 29 February 2016 (See Appendix A)
Addendum to Appendix 1 of Urban Design Report to include a shadow analysis of preferred option (plan view) showing 'additional' overshadowing	GMU Urban Design and Architecture Pty Ltd / April 2016	Elton Consulting, Perumal Murphy Alessi Heritage Consultants & Antoniades Architects
Heritage Issues Identification Report	NBRS+Partners / August 2015.	Perumal Murphy Alessi Heritage Consultants (See Appendix B)
Shadow Diagrams - Summer and winter overshadowing resulting from towers with maximum height of 167m (worst case scenario)	Author unidentified/undated	Elton Consulting, Perumal Murphy Alessi Heritage Consultants & Antoniades Architects
Flood Study	K.F, Williams Pty Ltd/16 December 2013	Parramatta City Council NOTE: The Flood Study does not form part of this assessment.
3D model of preferred building option on site	Parramatta City Council / April 2016	Antoniades Architects (See Appendix A)
Draft Architectural Design Competition Brief (Competition 2) for 189 Macquarie Street, Parramatta	LJB Urban Planning / 6 April 2016	Elton Consulting, Perumal Murphy Alessi Heritage Consultants & Antoniades Architects

2 Background

2.1 Site history

Development approval was issued by the Sydney West Joint Regional Planning Panel (Approval number D/852/2013) on 15 April 2015 for the construction of a 30 storey mixed use development containing 425 apartments, 317m² of retail floor area space, 715 public car parking spaces over seven levels and 389 car parking spaces for residential use over three levels of basement car parking.

In accordance with Clause 22B of the Parramatta City Centre LEP 2007, the proponents undertook an Architectural Design competition for the site which formed the basis of the current approval. The winning scheme composed of 2 x 24 storey residential towers on a 6 storey podium that would also contain the Council public car park. The design provided for a height of 91.3m (not including architectural roof features) and a gross floor area (excluding communal areas and enclosed balconies) of 36,000m².

On 10 July 2015, a Section 96 application (D/852/2013/A) was lodged with Council seeking two (2) additional basement levels, to increase the number of car parking spaces and to reconfigure the retail spaces to accommodate a substation at street level.

On 25 February 2016, the Western Sydney Joint Regional Planning Panel refused the application for the following reasons:

- » The currently approved development provides sufficient car parking spaces for the uses involved as previously assessed by Council's planners and determined by the Panel on 15 April 2015.
- » The subject S96(2) application will encourage greater use of private vehicles in a location where the PLEP 2007 encourages greater use of public transport. It is therefore inconsistent with objective 2 given for the B4 zone as well as Clause 22E of PLEP 2007.
- » The application is inconsistent with well-established planning policies applying across the Sydney metropolitan area which will encourage greater use of public transport in business districts that are well served by public transport.
- » Approval of the application would add unnecessary construction costs and adversely affect housing affordability.
- » The application serves no beneficial planning purpose.
- » For the reasons given above the application is not in the public interest, nor would it be orderly development.

2.2 Motivation for the planning proposal

In 2014/2015, Parramatta City Council undertook a City Centre Planning Framework Review Study which reviewed the planning framework for the City Centre. Four built form options were considered. The recommended scenario was for a Floor Space Ratio (FSR) up to 10:1 with no height limit (subject to sun access and aviation restrictions) and expansion of the CBD boundary. Council's vision was articulated in the Parramatta CBD Planning Strategy (PCPS) which was adopted by Council on 27 April 2015.

The strategy has formed the basis of a Council initiated planning proposal (CBD Planning Proposal) that seeks to introduce the following amendments:

- » Rezoning of some land
- » An increase in the FSR permitted on some land
- » An increase in the height of buildings permitted on some land
- » The removal of the height of buildings clause on some land
- » An amendment to the sun access protection clause
- » An amendment to the airspace operations clause
- » A new clause to permit additional floor space and height on some land
- » An amendment to the design excellence clause
- » A requirements for non-residential floor space in parts of the mixed use zone
- » A requirement for end of journey facilities
- » An amendment to encourage high yield employment uses
- » A new clause to encourage high performing buildings
- » A new clause to encourage the provision of community infrastructure
- » A new clause to preserve existing controls in the 'Park Edge Highly Sensitive' area, Parramatta Park and Parramatta Stadium
- » Some additions to Schedule 1 – Additional Permitted Uses
- » Amendment to the following maps of the Parramatta LEP 2011: Additional Local Provisions Map, Land Zoning Map, FSR Amp, Height of Buildings Map, Additional Permitted Uses Map and Special Provisions Map
- » Create new maps for inclusion in the LEP: Incentive FSR Map, Incentive Height of Buildings Map, Sun Access Protection Map, Active Frontage Map, Opportunity Sites Map and Floodplain Risk Management Map.

The current site specific planning proposal seeks to increase the height and FSR across the subject site in line with the strategic vision for the Parramatta CBD, which identifies a FSR of 10:1 for the site.

2.3 Existing development standards on the site

The following key development standards apply to the site:

- » The site is zoned B4 Mixed Use.
- » Under Clause 4.3 of the PLEP 2011, the maximum building height on the site is 54m as shown on the Height of Buildings Map.
- » Under Clause 4.4 of the PLEP 2011, the maximum FSR on the site is 6:1 as shown on the maximum FSR Map.
- » Notwithstanding the above, as the site is in Area 4 on the Special Provisions Map, Clause 7.9 applies to the site and allows the maximum building height to increase to 91m and the maximum GFA (excluding any floor area used only for private balconies and communal open space) to be increased to 36,000m². The amount of floor space to be used for the purposes of private balconies and communal open space is limited to 2,750m² (Refer over).

- » Clause 7.10(8) of the Plan allows a building, which is the winner of a competitive design process and exhibits design excellence, to exceed the maximum height shown on the Height of Buildings Map and the maximum FSR shown on the FSR Map by up to 15%.
- » When Clause 7.9 was included in the LEP (2007), the bonus FSR for a building displaying design excellence was 10%. This 10% bonus floor space was accommodated in the site specific clause and included in the 36,000m².
- » The current approved height and FSR is below what could potentially be accommodated on the site under the Parramatta CBD Planning Strategy (PCPS).

7.9 Development on land at 189 Macquarie Street, Parramatta

- (1) *This clause applies to land marked "Area 4" on the Special Provisions Area Map.*
- (2) *Despite clauses 4.3, 4.4 and 7.10 (5), the consent authority may grant consent to development involving the construction of a new building or external alterations to an existing building on land to which this clause applies if:*
- (a) *the design of the building or alteration is the result of a competitive design process as required by clause 7.10 (5), and*
 - (b) *the consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the design criteria specified in clause 7.10 (4), and*
 - (c) *the development continues to include a public car park on the site (the area of which is not subject to paragraphs (e) and (f)), and*
 - (d) *the development does not result in a building with a building height that exceeds 91.3 metres above natural ground level, and*
 - (e) *the development does not result in a building with a gross floor area that exceeds 36,000 square metres, excluding any floor space used only for private balconies and communal open space, and*
 - (f) *the development does not result in a building with a gross floor area that exceeds 2,750 square metres that is used for the purposes of communal open space and private balconies.*

(3) *In this clause:*

communal open space means areas for the purpose of recreation for use by building tenants, including gymnasiums, common rooms and communal gardens.

private balcony means a balcony, terrace, deck or winter garden (whether unenclosed, partially enclosed or wholly enclosed) that is attached to a dwelling for private use.

2.4 Proposed amendments

GMU, on behalf of the proponents, undertook an urban design analysis of the site in response to the Parramatta CBD Planning Strategy (PCPS). A series of massing options were considered to determine appropriate distribution of height across the site in consideration of heritage values, solar access across adjoining sites and the public domain, with particular consideration of Robin Thomas and James Ruse Reserves, Experiment Farm Reserve and Hambledon Cottage.

As a result of this analysis, the Urban Design Study (which accompanies the planning proposal) recommended a change to the current height controls to allow a maximum height of 167m or approximately 54 storeys to Macquarie Street and 126m or 41 storeys to Hassell Street. The report also submits that a FSR of 11.5:1 (FSR of 10:1 as recommended by PCSP plus the design excellence bonus of 15%) could reasonably be achieved on the site. The changes to height and FSR recommended by the Urban Design Study would result in additional GFA potentially being available on site.

To achieve the outcomes, Clause 7.9 of the Parramatta LEP would need to be amended. The amendments proposed to Clause 7.9 to facilitate the above outcomes are detailed over.

(Deletions are shown in ~~italic strike-through~~ and new texts in **bold italics**.)

7.9 Development on land at 189 Macquarie Street, Parramatta

- (1) This clause applies to land marked "Area 4" on the Special Provisions Area Map.
- (2) Despite clauses 4.3, 4.4 and 7.10 (5), the consent authority may grant consent to development involving the construction of a new building or external alterations to an existing building on land to which this clause applies if:
 - (a) the design of the building or alteration is the result of a competitive design process as required by clause 7.10 (5), and
 - (b) the consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the design criteria specified in clause 7.10 (4), and
 - (c) the development continues to include a public car park on the site (the area of which is not subject to paragraphs (e) and (f)), and
 - (d) the development does not result in a building with a building height that exceeds ~~91.3~~ **167** metres above natural ground level, and
 - (e) the development does not result in a building with a gross floor area that exceeds ~~36,000~~ **60,000** square metres, excluding any floor space used only for private balconies and communal open space, and
 - (f) the development does not result in a building with a gross floor area that exceeds ~~2,750~~ square metres that is used for the purposes of communal open space and private balconies.
- (3) In this clause:

communal open space means areas for the purpose of recreation for use by building tenants, including gymnasiums, common rooms and communal gardens.

private balcony means a balcony, terrace, deck or winter garden (whether unenclosed, partially enclosed or wholly enclosed) that is attached to a dwelling for private use.

The planning proposal includes a detailed written description of the buildings proposed for the site under the amended LEP standards, including specifications for the height distributed across the towers (the south tower is proposed to increase from an approved 24 levels above podium to 35 levels above podium and the north tower to increase from 24 levels above podium to 48 levels above podium) and for a reduced floor plate on the upper floors of the north tower. While detailed plans have not been submitted, a 3D model, which represents the anticipated building form, has been included in the planning proposal. The supporting documentation also includes the Draft Architectural Design Competition Brief for the Design Excellence Competition which would be required to attain the additional height and GFA on the site.

2.5 Supporting documentation

The planning proposal is supported by the following documentation:

Urban Design Report

An urban design report prepared by GMU sets out the context of the planning proposal in terms of Parramatta's future role and looks at the planning direction for Parramatta CDB. The report analyses the local context, local controls and local character and explores three options to distribute the additional height and GFA across the site.

The strategy which apportioned the greater height on Macquarie Street has been identified as the preferred option to deliver the additional height and GFA on the site. In this option, the south tower is proposed to increase from an approved 24 levels above podium to 35 levels above podium and the north tower is to increase from 24 levels above podium to 48 levels above podium. The report proceeds to assess this option in more detail, particularly with regard to the potential for overshadowing.

Interactive overshadowing diagrams showing the potential 'worst case scenario' overshadowing (resulting from a potential height of up to 167m on both towers) for summer and winter light was received on 16 March 2016.

An addendum to Appendix 1 of the Urban Design Report was received on 15 April 2016. This included a shadow analysis (plan view) of the preferred built form option. The analysis (based on summer light) shows the overshadowing resulting from the approved building on the site relative to the additional shadow which would be cast by the additional height and GFA. The key purpose of this addendum was to demonstrate that the distribution of the additional height and GFA through the preferred building form would not result in overshadowing of Experiment Farm Cottage.

Heritage Report

A heritage issues identification report was prepared by NBRSP+Partners. Tracing the development of the area and looking at local, State and Commonwealth Heritage Items, the report looks at the potential heritage impacts of the planning proposal.

The report concludes that the planning proposal does not adversely or unacceptably impact upon the identified heritage significance of the nearby local heritage items, State Heritage Register listed items, Commonwealth heritage listed places, or National and World Heritage listed properties. It notes that the height, density and general form indicated in the Urban Design Study (the preferred option of a taller tower on Macquarie Street and a lower tower on Hassell Street) and the planning proposal and site specific development control plan that follows those characteristics are likely to have a negligible and acceptable impact. It recommended that a Statement of Heritage Impact accompany any future formal development option for the site in accordance with the guidelines of the NSW Heritage Office publication, Assessing Heritage Impacts.

3D model

An electronic 3D model of the preferred option for distributing the height was made available to Antoniadis Architects on 19 April 2016 to allow them to assess the built form outcomes which it is intended that the planning proposal will deliver.

Draft Architectural Design Competition Brief

A Draft Architectural Design Competition Brief was received on 19 April 2016 setting out the requirements for the Design Competition on the site that would be held to deliver the additional height and GFA if the subject planning proposal is successful. The draft brief sets out, inter alia, site context, the development sought by the proponent and the relevant planning controls. The design

guidelines for the allowable built form are based on the GMU Urban Design Report and set out what the invited architectural firms must considered. Key criteria include the following:

- » The proposed development will follow the same podium design and the same relationship between the building elements as in the existing development approval on site.
- » The proposed/desired heights for the site are:
 - > Maximum heights of up to 54 storeys (178m to the top of roof feature and 167m to the top of habitable space) for the Macquarie Street tower; and
 - > Maximum of 41 storeys (135m to the top of a roof feature and 126m to the top of the habitable space) for the Hassall Street portion of the site.
- » The proposal is to minimise the shadow impact on the reserve and the cottage located on the lands of the Experiment Farm. The acceptable impact has been shown in Figure 34 of the Urban Design Report (Refer to **Figure 1** over).
- » The proposal is to achieve design excellence as per Council's Design Excellence Guidelines.
- » The proposal is to refer to the visual impression images shown in Figure 33 of the Urban Design Report. (Refer to **Figure 2** over).
- » Location of tower as per the approved DA852/2013.
- » The scope of the design competition relates to the towers above the approved podium and basement levels and as such the brief states that the competition entries are restricted as follows:
 - > The columns, lift shafts and fire stairs are to remain in the approved position.
 - > Changes to the size and mix of units up to level 25 is limited to a maximum of 5% variation.

Figure 1 Extract from GMU Urban Design Report showing acceptable level of overshadowing of Experiment Farm as identified by GMU



Figure 34. The shadow cast of Experiment Farm cottage was testing for every minute from 2.50pm to 3pm. The closest shadow occurs at the times shown above. This proves that no shadow impact to the building can be achieved with the appropriate design of the roof feature for the proposed towers.

Source: Urban Design Report prepared by GMU

Figure 2 Perspective view of the proposed concept design



Source: Urban Design Report prepared by GMU – Drawing prepared by KTA

3 Assessment of the Planning Proposal

In accordance with Section 55 (2) of the Act and the *Guide to Preparing Planning Proposals* (2012), a Planning Proposal must address the following components:

Part 1 – A statement of the objectives and intended outcomes

Part 2 – An explanation of the provisions that are to be included

Part 3 – The justification for those objectives, outcomes and the process for this implementation

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal.

The gateway determination will specify the community consultation requirements that must be undertaken on the planning proposal. The gateway determination will also:

- » outline the timeframe for exhibition
- » relevant state or Commonwealth authorities to be consulted
- » whether a public hearing is to be held into the matter by the PAC or other specified person or body.

3.1 Part 1 - Objectives and intended outcomes

The first two parts of the planning proposal; the 'objectives and outcomes', and the 'explanation of provisions', are intended to clearly express and convey the intended effect of the planning proposal for the purposes of community consultation.

It is not necessary, however, to identify the mechanism by which the outcomes are to be achieved. In other words, there is no requirement to include the proposed amendments to clauses in an LEP as the 'legal mechanism' that may deliver the final intended outcome may be achieved in a number of different ways.

Assessment

The stated objective in relation to a greater intensity of development is generally clear and concise, however it could be more clearly articulated to ensure that the intent is clear. For example, there may be merit in clarifying that the 'greater intensity', of development referred to (in terms of FSR and height) in Objective 1 is a result of Council's adopted Parramatta CBD Planning Strategy and is in line with the Draft CBD Planning Proposal.

The following amendment to the stated objective for Clause 7.9 is recommended:

Current Objective	Recommended re-drafting
1. <i>Enable the redevelopment of the land at 189 Macquarie Street for a greater intensity of development in terms of FSR and height.</i>	<i>Provide opportunities for the redevelopment of land at 189 Macquarie Street, in a manner generally consistent with the outcomes of Council's adopted planning strategy for the</i>

Current Objective	Recommended re-drafting
	<i>Parramatta City Centre.</i>

3.2 Part 2 - Explanation of provisions

The explanation of the provisions provides a more detailed description of how the objectives or intended outcomes are to be achieved by amending the LEP. As the site is subject to a site specific clause (Clause 7.9) of the PLEP, the amendments proposed in this planning proposal relate only to that clause, and in particular:

- » Amend 7.9(2)(d) to increase the permissible height on the site, and
- » Amend Clause 7.9(2)(e) to increase the permissible GFA on the site.

It is noted that there is an existing approval for a 91m high building on the site and that the approved design has been through the design excellence competition process. As excavation has started on the site, it would not be unreasonable to expect that any alterations or additions to the approved building will be generally consistent with the design intent as previously endorsed by the Design Excellence Competition jury. This has been reiterated in the Draft Architectural Design Competition Brief issued as a supporting document. This document specifies that the scope of a design competition to achieve additional height and GFA will relate to the towers above the approved podium and basement levels and that the columns, lift shafts and fire stairs are to remain in the approved position with a maximum variation of 5% to the size and mix of units up to level 25.

While the intent of the planning proposal is generally clear, there are concerns related to how this intent will be translated into an amended cl7.9. For example:

The current cl 7.9(2) currently relates to "...*development involving the construction of a new building or external alterations to an existing building*". It may be a matter of legal interpretation as to whether an application that seeks to 'add' height to an approved building to the extent required to achieve the maximum permissible height goes beyond what would normally be considered as an 'external alteration'. Qualification should also be sought as to whether an approved but not yet constructed building would satisfy the definition of 'existing' building under this clause. It is recommended that, Council obtain legal advice as to the proposed wording of clause 7.9 in its entirety to ensure that the clause operates properly and does not create any unintended consequences. This is a matter for Council to consider in the application of the clause if amended, and should not prevent the planning proposal from proceeding to Gateway.

3.3 Part 3 - Justification

For the purpose of preparing the justification, the Director-General has issued requirements about the specific matters that must be addressed in planning proposals. When preparing the justification:

- » it is important that the level of justification for each planning proposal is proportionate to the impact the planning proposal will have.
- » a response to each of the Director General's criteria will not always be necessary depending on the nature and the scale of the planning proposal. If a matter is not considered relevant, the reasons why should be briefly explained
- » it is appropriate in the early stages of preparing a planning proposal to identify issues that will require more detailed investigation if the planning proposal is to proceed. These more detailed investigations, studies, or material can be prepared by the proponent or the RPA following the initial Gateway determination. The Gateway determination will confirm the expected level of information required to form part of the exhibition material.

An assessment of the justification for the planning proposal submitted by the proponent is provided in the following Table.

Questions posed in Section 2.3(a) of <i>A Guide to preparing planning proposals</i>	
Assessment	Recommendation
Section A – Need for the Planning Proposal	
Q1: Is the Planning Proposal a result of any strategic study or report?	
The response provided indicates that this planning proposal is required in direct response to the Parramatta CBD Planning Strategy (PCPS) and to the Urban Design Study prepared by GMU for the subject site. The Urban Design Study is included as part of the planning proposal package, though the PCPS is not.	The response provided in the planning proposal is considered adequate. Given the strategic importance of the PCPS as a driver for this planning proposal and its importance in establishing the GFA limit and removing height restrictions, it is recommended that a copy of the strategy be included as part of the planning proposal package and included in the package of information made available during public exhibition.
Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	
Given the site is subject to a site specific clause, a planning proposal which seeks to amend the development standards is considered the best way to achieve the intended outcomes. Given the specifics of Clause 7.9 of the PLEP 2011, it is recognised that an increase in height and FSR on the site can only be achieved by amending the provisions of this clause. The degree of variation in height required on the site is such that Clause 4.6 cannot be relied on. (Clause 4.6(8)(ca) precludes the approval of a development consent where the maximum building height or FSR would be varied by more than 5%). The planning proposal seeks to deliver the intended outcomes of the PCPS on a site specific basis. Council may wish to consider whether progressing this stand-alone planning proposal in advance of a comprehensive review of the City Centre provisions will create a precedent generating requests for additional site specific amendments to be considered.	The responses provided are considered adequate.

Section B – Relationship to Strategic Planning Framework

Q3: Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is assessed against 'A Plan for Growing Sydney' (2014). The justification demonstrates how the planning proposal:

- » assists in achieving the priorities of transforming the Greater Parramatta area into Sydney's second CBD;
- » provides capacity for mixed use development, and
- » can support the achievement of other priorities such as enhanced transport connections, creation of employment opportunities, etc. as a result of increasing the residential density in the CBD.

The responses provided are considered adequate.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The proponent provides a very brief assessment of the planning proposal against Parramatta 2038 Community Strategic Plan and the PCPS.

There is merit including the PCPS as part of the planning proposal package given its relevance as a driver to the proposed amendments.

Consideration has not be given to other strategies.

The planning proposal should be amended to provide additional justification for the proposed amendments against the relevant principles of the PCPS in particular demonstrating how the proposal:

- » Achieves works' best practice in the planning and development of cities (P1)
- » Achieves a strategic balance of land uses (P2)
- » Creates an attractive and distinctive city skyline, defined by tall, slender towers (P3)
- » Creates a liveable, active and highly desirable city (P4)
- » Improves the quality of urban design and the public domain (P6)
- » Achieves design excellence (P7).

Q5: Is the Planning Proposal consistent with applicable state environmental planning policies?

This question requires the proponent to identify the SEPPs relevant to the planning proposal and to discuss their relationship. Table 3 of the Planning Proposal identifies relevant SEPPs and provides a comment on the planning proposal's consistency with the

The responses provided are considered adequate.

policies.	
Q6: Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	
Pursuant to Section 117 of the Environmental Planning and Assessment Act 1979, the Minister for Planning issues directions that relevant planning authorities must follow when preparing planning proposals for new LEPs. Where a planning proposal is inconsistent with any of the relevant directions, the inconsistencies must be specifically explained and justified.	
<i>2.3 Heritage Conservation</i>	
The heritage report accompanying the planning proposal notes that varied height across the site is necessary to ensure that there are no detrimental impacts on nearby heritage items. While the Urban Design Study and the Heritage Assessment Study refer to a 'preferred' distribution in height, the planning proposal itself would result in the maximum height being permissible at any point across the entire site i.e. the additional height could be redistributed differently in a subsequent application. Shadow diagrams showing the winter and summer overshadowing associated with the approved development on the site and maximum building height proposed for the site (167m) were provided by Council on 16 March 2015. The development under construction on the site comprises of two towers and, as such, the overshadowing analysis has been based on this form. It illustrates the overshadowing resulting from the approved development relative a similar tower composition with a maximum height of 167m in both towers. It is noted that this is diagrammatical only as the restriction on GFA would not enable the construction of two towers with a height of 167m. Additional shadow diagrams were also submitted illustrating the overshadowing of the approved building relative to the overshadowing which would result from the preferred building form option.	The planning proposal is consistent with this direction.

The shadow diagrams show that in summer, a building of up to 167m will have no impact on Experiment Farm Cottage. In winter, a development on the site, which allows for the maximum building height (167m) on the southern portion of the site, will result in some additional overshadowing of Experiment Farm Cottage between 2pm and 4pm. However, allocating the greater portion of the additional height (167m) to the north tower would result in no additional overshadowing of Experiment Farm Cottage. Though the planning proposal technically allows a maximum building height of 167m across the site, which has the potential to overshadow Experiment Farm Cottage in winter between 2pm and 4pm, the proposed maximum GFA controls on the site will restrict the development potential and built form outcomes on the site (ie a height of 167m cannot be achieved across the entirety of the site). Notwithstanding the fact that any future development of the site will not be tied to the 'concept design' in the urban design report accompanying the planning proposal or the design criteria set out in the Draft Architectural Design Brief, it has been demonstrated that there is sufficient scope to achieve the additional development potential without resulting in any overshadowing of Experiment Farm Cottage. There are also sufficient safeguards in place in the development application assessment process to ensure that the distribution of additional height on the site does not adversely impact on the heritage significance of heritage items in the vicinity of the site. Refer to Section 3.4.2 for an assessment of the planning proposal from a heritage perspective.	
<i>3.4 Integrated Land Use and Transport</i>	
The planning proposal is consistent with this direction.	The planning proposal is consistent with this direction.
<i>4.3 Flood Prone Land</i>	
As the planning proposal seeks to increase the density of development permissible on flood	The proponent may need to reconsider the response to Section (3)(c) that requires a planning proposal not contain provisions that will

prone lands, this direction is relevant. The proponent may need to reconsider the response to Section (3)(c) that requires a planning proposal not to contain provisions that will permit a significant increase in the development of the land. The fact that the increase in density may be in line with the future direction of Parramatta City Council and is achieved by increasing height rather than as an increase in the site area, does not remove the inconsistency. Either the increase is not considered significant on the whole, or the planning proposal is in accordance with a flood plain risk management plan.	permit a significant increase in the development of the land. The fact that the increase in density may be in line with the future direction of Parramatta City Council and is achieved by increasing height (as stated in the planning proposal report) does not remove any potential inconsistency. The planning proposal needs to clearly demonstrate that either: a) the proposed amendments to the LEP will not result in an increase in development of the land that would be considered significant in the context of the site's location, the permissible density of development, etc.; or b) this section should acknowledge that the increase in the development potential of the land is significant but that the planning proposal is in accordance with a flood plain risk management plan. In this regard, reference could be made the draft updated Parramatta Flood Risk Management Plans prepared for Council by Molino Stewart.
<i>6.1 Approval and Referral Requirements</i>	
The planning proposal states that the provisions require the concurrence, consultation or referral of development applications to a Minister or public authority.	The planning proposal does not seek to introduce any additional requirements for the concurrence, consultation or referral of development applications to a Minister or public authority.
<i>6.3 Site Specific Provisions</i>	
While the planning proposal does refer to concept plans and a written description of the future development anticipated for the site, the proposal does not include detailed plans and no such plans would be included in the LEP. The planning proposal does include specific thresholds for gross floor area and the area used for the purposes of communal open space and private balconies. While these are prescriptive site specific planning controls, they are not being introduced by this planning proposal. The subject planning proposal seeks to amend the quantitative controls for height and gross floor area currently in place for the site.	The planning proposal is consistent with this direction in that the subject planning proposal seeks to amend the quantitative controls for height and gross floor area currently in place for the site.
<i>7.1 Implementation of A Plan for Growing Sydney</i>	
The planning proposal is consistent with this plan.	The planning proposal is consistent with this plan.

Section C – Environmental, Social and Economic Impact

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is a brownfield site with a low likelihood of critical habitat or threatened species, populations or ecological communities, or their habitats

The response is considered satisfactory.

Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

A planning proposal seeking to amend a development standard relating to a site is not intended to provide 'in-principle support' to any built form outcome illustrated in site concept plans included with the planning proposal. The planning proposal facilitates changes to the controls which allow a development application to be lodged and considered on merit in accordance with the EP&A Act. Despite there being an existing approval on the site, Council should consider whether the proposed changes to the development standards are appropriate in the context of potential impacts related to overshadowing, visual amenity etc on adjoining areas.

Potential impacts of the planning proposal may fall into the following categories:

- » Flooding – dealt with in Section 5.5.23 of the planning proposal and referred to in response to this question
- » Traffic Impact – referred to in Section 5.5.20 of the planning proposal
- » Solar Access and overshadowing – addressed in Appendix 1 of the Urban Design Report in terms of the impact on heritage items, with shadow diagrams submitted during the assessment period which show the overshadowing from the approved development on the site and the additional overshadowing which could result from a two tower building form with a height of 167m on the site and the preferred built form outcome.

The shadow diagrams demonstrate that there is potential to develop the site to its

The assessment of overshadowing is acceptable for the purposes of a planning proposal.

It has been demonstrated that overshadowing of Experiment Farm Cottage can be avoided. While an increase in the overshadowing of Rowland Hassall School in summer is possible, given the urban location of the site, it is not considered to be an unreasonable increase in overshadowing. Notwithstanding this, the potential for increasing the overshadowing of Rowland Hassall School should be acknowledged in the planning proposal.

proposed maximum potential without overshadowing Experiment Farm Cottage (distributing the height in accordance with the preferred option).

An increased height limit of 167m on the site will not give rise to any overshadowing of Robin Thomas Reserve between 9am and 3pm in winter or summer.

Rowland Hassall School is also unaffected by the additional height in winter between 9am and 3-m.

In summer, the additional height in the preferred option has the potential to increase overshadowing the school site between 2pm and 3pm. However, given the urban location of the site, it is not considered to be an unreasonable increase in overshadowing. Notwithstanding this, the potential for increasing the overshadowing of Rowland Hassall School should be acknowledged in the planning proposal.

The urban design assessment report prepared by Antoniades Architects (attached in Appendix A) recommends that analysis be undertaken to demonstrate that the development potential of adjacent sites (specifically Rowland Hassall School and 142-154 Macquarie Street) is not compromised as a result of the proposal, and vice versa, and that this additional information, if undertaken at this stage, should be included in the planning proposal. (Refer to Section 3.4).

It is considered that this level of analysis is design specific; The degree of solar access which will be afforded to future units on the subject site and the degree of overshadowing to the school site will depend on the built form and how the additional height and GFA is distributed across the site. The urban design report and draft architectural brief accompanying the application identifies a 'preferred option' on how this height and GFA is to be allocated (to minimise impacts on height items). However, it would be unreasonable to require the proponent to undertake detailed analysis at this stage to demonstrate that the degree of solar access which will be afforded to the future

development on the site and/or the impact of the built form on future development on the school site. It is considered more appropriate that this type of detailed analysis be undertaken as part of the architectural design competition and at DA stage.	
Q9: Has the Planning Proposal adequately addressed any social and economic effects?	
The proponent's response addresses urban design outcomes only. There should be reference in this section to the potential effects on items or places of European or Aboriginal cultural heritage as identified in the Heritage Assessment Report. There should also be reference to the potential impact that an increase in density on the site would have on existing social infrastructure – schools, services, etc. This may simply be to acknowledge that the existing services can cater for the potential population increase.	While it is acknowledged that impact on European or Aboriginal cultural heritage and impact on existing social infrastructure (schools, services, etc.) may have been addressed in information lodged with development applications relating to the site, the matters are not addressed adequately in the planning proposal report. The planning proposal report should therefore be amended and updated to also demonstrate consideration of these impacts.
Section D – State and Commonwealth Interests	
Q10: Is there adequate public infrastructure for the Planning Proposal?	
The proponent's response that this will be dealt with at Development Application stage is appropriate. Consultation with the state and commonwealth authorities identified in response to the following question will identify any gap in services that needs to be addressed during the planning proposal process.	The response is considered satisfactory.
Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	
At this stage, no State or Commonwealth public authorities have been identified or consulted though the proponents identify 14 public authorities that could potentially be consulted.	Noted

3.3.1 Part 4 - Mapping

There are no amendments sought to the LEP maps. The maps and aerial photographs submitted are generally acceptable, though there would be merit in identifying sensitive State heritage items which could be impacted upon (such as Experiment farm Cottage) on a map.

The quality of Figure 12 in the Heritage Assessment Report is such that the map is difficult to interpret. Similarly, as noted in the urban design assessment report, there is some inconsistency in the numbering and/or inclusion of figures in the urban design report.

3.3.2 Part 5 - Community consultation

The planning proposal indicates the proposed community consultation strategy. This will be confirmed by Gateway and the planning proposal revised to reflect any changes to consultation requirements, scope of information required and range of agencies to be consulted.

3.3.3 Project Timeline

In accordance with *A Guide to preparing planning proposals*, the project timeline should include the additional timeframes not provided by the proponent:

- » Anticipated timeframe for the completion of required technical information
- » Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)
- » Anticipated date the RPA will make the plan (if delegated).

The timeline should also be updated to acknowledge and reflect the current status of the proposal at the time of exhibition.

3.4 Urban Design Assessment of the planning proposal (Antoniades Architects)

Antoniades Architects reviewed the planning proposal and associated documents and prepared an assessment report which is attached in **Appendix A** to this report.

The urban design assessment looked at:

Urban Design Analysis – assess the proposal against the supporting urban design report (GMU)

Visual Assessment - assess the planning proposal against current and future development potential in the immediate and broader context of the site

Solar Assessment – assess amenity impacts resulting from the proposal on the surrounding environment

The report states that principles on height should centre around visual and amenity impacts, context, and the potential of the site to reinforce the eastern gateway to Parramatta. Antoniades Architects submit that the distribution of height around the site has been developed in a manner that ensures that visual and amenity impacts are mitigated and accordingly they support the height strategy which allocates that greater height to the Macquarie Street frontage and the lower height to the Hassall Street frontage. The report indicates that having regard to the site locality, site area and potential of the site to advance the future strategic vision for Parramatta City Centre, it is appropriate to establish a permissible height limit on the site which would be in compatible with the development approved on 142-154 Macquarie Street and would add to the visual significance of the site.

After assessing the planning proposal on its own merits and with the aid and reference to the city electronic model and overshadowing modelling, the assessment report indicates that a built form height in the range of 165-178m along the Macquarie Street frontage and 125-135m along Hassall Street frontage is considered acceptable.

The report agrees that the broad urban design principles in the GMU Urban Design Report are acceptable but suggested that it may be beneficial to include some further information on specific impacts which may be created by the increased height and the built form proposed. In this regard, it is suggested that analysis, if already undertaken, to demonstrate that the development potential of adjacent sites is not compromised as a result of the proposal, and vice versa, should be included in the planning proposal. This could potentially relate to solar access, privacy, etc. Potential sites which may be impacted upon are identified as the adjoining school grounds (Rowland Hassall School) and 142-154 Macquarie Street.

The report notes a number of minor corrections which should be made to the GMU urban design report. It also comments on the concept plan submitted as part of the planning proposal:

The proposal itself would benefit from a more responsive built form strategy that references to the design principles outlined (in) GMU's Urban Design report, and which is subject to further detail and assessment. Accordingly, the requirement for the additional height and built form to be subject to a further design competition is supported as a step towards also addressing the concerns noted below.

The Macquarie Street tower in particular has the appearance of a tall thin building as it addresses the street, however appears bulky and inarticulate as viewed from the east, which would be intensified due to the width of the building, as well as it been primarily cast in shade for most of the day throughout the year.

The composition of this tower should consider a more modulated architectural typology that appears slenderer as it rises above the approved 30 storey building.

The report concludes that the GMU Urban Design report is sufficient to proceed to Gateway with the provision of additional information/amendments identified in the report:

- » Analysis, if undertaken, to demonstrate that the development potential of adjacent sites (Rowland Hassall School and 142-154 Macquarie Street) is not compromised as a result of the proposal, and vice versa
- » Clarification on figure numbering in the document in relation to Figures 39 and 40 and the references to same on Pages 39 and 40
- » The arborist firm referred to on Page 30 of the planning proposal should be identified.

Antoniades Architects Report refers to including analysis on interrelated impacts between the subject site and Rowland Hassall School, and 142-154 Macquarie Street, if these studies have been undertaken. It is not our recommendation, or that of Antoniades Architects, that the proponent be required to undertake such detailed analysis prior to lodgement of the planning proposal. Such analysis is design focussed and should be addressed at the Design Competition Stage at which point the impact of approved, proposed or permissible development on adjoining sites should be considered.

3.5 Heritage Assessment of the planning proposal (Perumal Murphy Alessi)

Perumal Murphy Alessi Heritage Consultants reviewed the planning proposal and associated documents and prepared an assessment report which is attached in **Appendix B** to this report.

It acknowledges that the *Heritage Issues Identification Planning Proposal Amendment to Parramatta City Centre LEP 2007 189 Macquarie Street Parramatta* (August 2015) prepared by NBRs + Partners assesses the potential heritage impacts on the proposed additional height and floor space.

It is agreed that any potential heritage impacts are associated with overshadowing, particularly to Experiment Farm.

The assessment of overshadowing by Perumal Murphy Alessi is based on the 3 options outlined in the Urban Design Study and it is acknowledged that part overshadowing of Experiment Farm will occur. However, the GMU Urban Design Study accompanying the planning proposal illustrates that overshadowing of Experiment Farm Cottage can be avoided. The report acknowledges that the proposed additional height may have acceptable levels of heritage impact where setbacks, building mass, form and treatment of elevations are used to reduce overshadowing (particularly with regard to Experiment Farm and Experiment Farm Cottage).

The report notes that environmental, social and cultural impacts on the Robin Thomas Reserve should be addressed, particularly as the park area, recreational elements and cultural significance of the Reserve are proposed to be improved, enhanced and interpreted.

In summary, the heritage assessment report concludes that, from a heritage perspective, the primary impact of the planning proposal relates to potential overshadowing. However, this can be addressed as part of any future development application and as such does not preclude this proposal from proceeding to gateway.

The report recommends the following amendments to the planning proposal:

- » Heritage Issues Identification
 - > It is recommended that a larger, clearer image and summary of the significance as included in Figure 12 be included in the report.
 - > In Section 4.3, the "Summary of Impacts" on the local items should be as included as it has been for the State and Commonwealth properties;
- » Planning Proposal/ generally
 - > Additional comments relating to the economic, social and cultural impacts should be included in the Planning Proposal.

3.6 NSW Planning Information Checklist

An information checklist is included in Attachment 1 of the Department's *Guide to Preparing Planning Proposals*. Not all the information listed here will be relevant or required. To prevent unnecessary work prior to the Gateway Stage, specific information nominated as being necessary would not be expected to be completed prior to the submission of the planning proposal to the Minister. In this case, it is considered sufficient to identify what additional information may be required to demonstrate the proposal's strategic merit or compliance with a relevant statutory consideration.

STEP 1: REQUIRED FOR ALL PROPOSALS (under s55(a) – (e) of the EP&A Act)

» Objectives and intended outcomes	As identified in Section 3.1, this section of the planning proposal would benefit from a slight amendment: 1. <i>Provide opportunities for the redevelopment of land at 189 Macquarie Street, in a manner generally consistent with the outcomes of Council's adopted planning strategy for the Parramatta City Centre.</i>
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» Mapping (including current and proposed zones)	The planning proposal does not seek to amend any of the LEP maps. As identified in Section 3.3.5, the mapping is generally acceptable; however sensitive State heritage items which could be impacted upon (eg Experiment farm Cottage) should be identified on a map. Figure 12 of the Heritage Assessment Report is of poor quality. There is also some inconsistent in the numbering and/or inclusion of figures in the urban design report (Figures 39 and 40).
» Community consultation	Adequate for this stage of the process.
» Explanation of provisions	The current cl 7.9(2) currently relates to "...<i>development involving the construction of a <u>new building</u> or <u>external alterations</u> to an existing building</i>". It is recommended that, Council obtain legal advice as to the proposed wording of clause 7.9 in its entirety to ensure that the clause operates properly and does not create any unintended consequences, as part of the drafting process.
» Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)	» Q1 - A copy of the PCPS should be included as part of the planning proposal package » Q2 - An increase in height and FSR on the site can only be achieved by amending the provisions of this clause. The degree of variation in height required on the site is such that Clause 4.6 cannot be relied on. While, the planning proposal seeks to deliver the intended outcomes of the PCPS on a site specific basis, Council may wish to consider whether consideration of this stand-alone planning proposal in advance of a comprehensive review of the City Centre provisions will create a precedent generating requests for additional site specific amendments to be considered. » Q4 – The planning proposal report should be amended to provide additional justification for the proposed amendments against the relevant principles of the PCPS and demonstrating how it aligns with the CBD Planning Proposal. Q6 – The proponent may need to reconsider the response to Section (3)(c) that requires a planning proposal not contain provisions that will permit a significant increase in the development of the land. The fact that the increase in density may be in line with the future direction of Parramatta City Council and is achieved by increasing height (as stated in the planning proposal) does not remove any potential inconsistency. The planning proposal needs to clearly demonstrate that either: a) the proposed amendments to the LEP will not result in an increase in development of the land that would be considered significant in the context of the site's location, the permissible density of development, etc.; or b) this section should acknowledge that the increase in the development potential of the land is significant but that the planning proposal is in accordance with a flood plain risk management plan. In this regard, reference could be made the draft updated Parramatta Flood Risk Management Plans

prepared for Council by Molino Stewart.

Q8 – The assessment of overshadowing is acceptable for the purposes of a planning proposal. It has been demonstrated that overshadowing of Experiment Farm Cottage can be avoided. While an increase in overshadowing of Rowland Hassall School in summer is possible, given the urban location of the site, this is not considered to be an unreasonable increase in overshadowing. Notwithstanding this, the potential for increasing the overshadowing of Rowland Hassall School should be acknowledged in the planning proposal report.

Q9 - The proponent's response addresses urban design outcomes only. There should be reference in the planning proposal report to the potential effects on items or places of European or Aboriginal cultural heritage as identified in the Heritage Assessment Report. There should also be reference to the potential impact that an increase in density on the site would have on existing social infrastructure – schools, services, etc. This may simply be to acknowledge that the existing services can cater for the potential population increase.

While it is acknowledged that these matters (potential effects on items or places of European or Aboriginal cultural heritage, impacts on community infrastructure) may have been addressed in information lodged with previous development applications relating to the site, these matters are not addressed adequately in the planning proposal report. The planning proposal report should therefore be amended and updated to also demonstrate consideration of potential impacts on items or places of European or Aboriginal cultural heritage.

STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS (Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	Comments
Strategic Planning Context			
» Demonstrated consistency with relevant Regional Strategy	X		Adequate
» Demonstrated consistency with relevant Sub-Regional strategy	X		Adequate
» Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	X		Adequate
» Demonstrated consistency with Threshold Sustainability Criteria		X	
Site Description/Context			
» Aerial photographs	X		Adequate
» Site photos/photomontage	X		Adequate
Traffic and Transport Considerations			
» Local traffic and transport		X	To be considered at DA stage
» TMAP		X	To be considered at DA stage
» Public transport		X	To be considered at DA stage
» Cycle and pedestrian movement		X	To be considered at DA stage
Environmental Considerations			
» Bushfire hazard		X	
» Acid Sulphate Soil		X	To be considered at DA stage
» Noise impact		X	To be considered at DA stage
» Flora and/or fauna		X	
» Soil stability, erosion, sediment, landslip assessment, and subsidence		X	To be considered at DA stage
» Water quality		X	To be considered at DA stage
» Stormwater management		X	To be considered at DA stage
» Flooding	X		Potential inconsistency with Section Direction to be addressed
» Land/site contamination (SEPP55)		X	To be considered at DA stage
» Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		X	
» Sea level rise		X	
Urban Design Considerations			
» Existing site plan (buildings vegetation, roads, etc)		X	To be considered at DA stage
» Building mass/block diagram study (changes in building height and FSR)	X		To be considered at Architectural Design Competition stage and DA

PLANNING MATTERS OR ISSUES	To be considered	N/A	Comments
			stage.
» Lighting impact	X		Adequate
» Development yield analysis (potential yield of lots, houses, employment generation)		X	To be considered at DA stage
Economic Considerations			
» Economic impact assessment		X	
» Retail centres hierarchy		X	
» Employment land		X	
Social and Cultural Considerations			
» Heritage impact	X		Adequately addressed in Heritage Assessment Report
» Aboriginal archaeology	X		Adequately addressed in Heritage Assessment Report
» Open space management		X	To be considered at DA stage
» European archaeology	X		Adequately addressed in Heritage Assessment Report
» Social & cultural impacts	X		There should be reference to the potential impact that an increase in density on the site would have on existing social infrastructure
» Stakeholder engagement	X		Adequate
Infrastructure Considerations			
» Infrastructure servicing and potential funding arrangements		X	To be considered at DA stage
Miscellaneous/Additional Considerations			
List any additional studies		X	

Other matters to be considered include:

- » The project timeline should include the additional timeframes not provided by the proponent:
 - > Anticipated timeframe for the completion of required technical information
 - > Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)
 - > Anticipated date the RPA will make the plan (if delegated).

The timeline should also be updated to acknowledge and reflect the current status of the proposal at the time of exhibition.

As the Urban Design Report and Heritage Assessment Report supporting the Planning Proposal were prepared before the consolidation of the City Centre LEP 2007 and PLEP 2011, the clauses referenced in these documents need be updated to reflect the current clause numbering in the PLEP 2011.

4 Conclusion

This report provides an independent assessment of the planning proposal to determine its adequacy and whether Council should support its referral to Gateway.

The urban design assessment report submits that the increased height and floor space ratio for the subject site would be consistent with the strategic vision of Parramatta as set out in the PCPS. The changes to the development standards proposed in the planning proposal would assist in creating a more defined eastern gateway to Parramatta.

However as noted in this report, the planning proposal needs to re-assess a number of issues before it can be considered adequate to proceed to the Gateway. It is recommended that the planning proposal address the following matters:

- » Refine the objective and intended outcome. The following wording could be considered:
 - > Provide opportunities for the redevelopment of land at 189 Macquarie Street, in a manner generally consistent with the outcomes of Council's adopted planning strategy for the Parramatta City Centre.
- » While the intent of the planning proposal is generally clear, there are concerns related to how this intent will be translated into an amended clause 7.9.

The current cl 7.9(2) currently relates to "...*development involving the construction of a new building or external alterations to an existing building*". It may also be a matter of legal interpretation as to whether an application that seeks to 'add' height to an approved building to the extent required to achieve the maximum permissible height goes beyond what would normally be considered as an 'external alteration'. Qualification should also be sought as to whether an approved but not yet constructed building would satisfy the definition of 'existing' building under this clause. It is recommended therefore that Council obtain legal advice as to the proposed wording of clause 7.9 in its entirety in the drafting process to ensure that the clause operates properly and does not create any unintended consequences. This should not prevent the planning proposal proceeding to Gateway.

- » Strengthen the justification by including the Parramatta CBD Planning Strategy in the Planning Proposal package and provide additional justification against the Parramatta CBD Planning Proposal.
- » Re-examining compliance of the Planning Proposal with Section 117 Directions on flooding. The planning proposal needs to clearly demonstrate that either:
 - a) the proposed amendments to the LEP will not result in an increase in development of the land that would be considered significant in the context of the site's location, the permissible density of development, etc.; or
 - b) this section should acknowledge that the increase in the development potential of the land is significant but that the planning proposal is in accordance with a flood plain risk management plan. In this regard, reference could be made the draft updated Parramatta Flood Risk Management Plans prepared for Council by Molino Stewart.
- » The potential for increasing the overshadowing of Rowland Hassall School for a limited period in summer, while not deemed to be unreasonable given the CBD location of the sites, should be acknowledged in the planning proposal report.
- » The proponent's response to social and economic effects addresses urban design outcomes only. There should be reference here to the potential effects on items or places of European or

Aboriginal cultural heritage as identified in the Heritage Assessment Report. There should also be reference to the potential impact that an increase in density on the site would have on existing social infrastructure – schools, services, etc. While it is acknowledged that these matters may have been addressed in information lodged with development applications relating to the site the matters are not addressed adequately in the planning proposal. The planning proposal should therefore be amended and updated to also demonstrate consideration of these impacts.

- » With regard to the Heritage Assessment Report supporting the planning proposal, the following is recommended;
 - > Improving the quality of some of the figures; and
 - > Highlight a 'summary of Impacts' on local items as provided for State and Commonwealth properties

With regard to the Urban Design Report supporting the planning proposal, it is recommended that the report;

- > Include Figures 39 and 40 which are referred to in the text (P40) but not included in the report and if necessary correct numbering
- > Identify arborist referred to on P30.

The planning proposal is not seeking to amend how GFA is calculated for the site as specified in sub-clause 7.9(2)(e) or the nominated area of GFA which is to be dedicated to communal open space and private balconies under subclause 7.9(2)(f). Nevertheless the clause, as amended, carries forward a distinction between GFA dedicated to enclosed balconies and communal open space and 'other' GFA and in subclause 7.9(2)(e) increases the provision of this 'other' GFA from a maximum of 36,000m² to a maximum of 60,000m².

We have no objection to Clause 7.9 continuing to exclude 2,750m² of enclosed private open space (winter gardens) and communal open space from the maximum GFA specified for the site under subclause 7.9(2)(e). In a tall building, it is not unreasonable to expect that balconies on the upper floors will be subject to amenity impacts such as high winds. As such, it is assumed the definition of GFA in Clause 7.9 (as originally gazetted) was tailored to facilitate the provision of balconies with wind protection but without prejudicing the development potential of the site. Under this approach, it could be argued that a developer does not gain additional GFA, but that the residents on the upper floors gain balconies which are adapted to the environment and therefore provide higher amenity and are more useable. We understand that the original clause was based on a specific design that would deliver up to 2,750m² of enclosed private open space (winter gardens) and communal open space and 36,000m² of 'other' GFA.

We can support an increase in 'other' GFA from a maximum of 36,000m² to a maximum of 60,000m² as this aligns with the CBD Planning Proposal which could potentially deliver a FSR of up to 11.5:1 on the site. The retention of the GFA permissible under subclause 7.9(2)(e) is supported on the basis that this is an existing provision of the LEP.

While in this case, we have no objection to this definition of GFA for the site being carried forward in the amended clause, Council may wish to consider the precedent that has been established by introducing this clause in the first place and what impact its conservation in the amended clause may have. The exclusion of enclosed balconies and communal open space from the defined GFA of taller buildings in the CBD on a site by site basis is not sustainable and this matter needs to be looked at more holistically. In this regard, Council may need to consider whether the exclusion of enclosed balconies and communal open space from the defined GFA of taller buildings is a policy that should be applied across the CBD and what implications this would have.

As part of a broader policy review, Council should assess the urban design, amenity and architectural impacts of this approach to enclosed private and communal open space in taller buildings across the

CBD. Subject to the planning proposal being amended to reflect the recommendations in this report, it is considered that the planning proposal has merit on the following grounds:

- » The planning proposal is a site specific response to the City Centre Strategy
- » The proposed amendment will enable the delivery of a development that meets the potential for the site
- » The planning proposal will facilitate the development of the eastern gateway to the CBD.
- » With appropriate distribution of the additional height and gross floor area across the site, the resultant built form will have an acceptable impact on the identified heritage significance of nearby heritage items.

It is recommended that Council support the planning proposal proceeding to Gateway for its consideration to progress to the public exhibition stage of the process.

Appendices



A Urban Design Assessment Report – Antoniades Architects

B Heritage Assessment Report – Perumal Murphy Alessi



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